

**Enrolled Minutes of the Forty-Sixth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, November 23, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 23, 2009 at 6:30 p.m. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the proposed amendment to the Wage and Salary Ordinance.

The study session ended at 6:59 p.m.

Regular Meeting. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 23, 2009 at 7:01 p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided. The session was opened with Councilor Mark Herak leading the pledge of allegiance to the United States Flag and offering the opening prayer.

Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

Additional Officers Present: Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicki, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also present were Mark Roorda and Dennis Adams of the Town Board of Metropolitan Police Commissioners; Ed Dabrowski of the Park and Recreation Board; and Robin Carlascio, Editor of the Town Newsletter were also present.

Minutes of the Previous Session

The minutes of the regular meeting of November 09, 2009 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2009 Budget in the **Special Public Safety Fund in the amount of \$14,000.00 and in the Special Centennial Fund in the amount of \$5,704.00**
 - (a) Attorney verification of the proofs of publication: The TIMES 12 November 2009. The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on Appropriation Enactment No. 2009-57: An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the Special Public Safety Fund in the amount of \$14,000 .00 and in the Special Centennial Fund in the amount of \$5,704.00.

Councilor Herak introduced and moved the consideration on the same evening of introduction of Enactment No. 2009-57. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered.

Councilor Herak moved the passage and adoption on the same evening of introduction of Enactment No. 2009-57. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-57

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND and the SELECT CENTENNIAL COMMISSION FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, I.C. 36-1-3 ET SEQ., and SECTION 477 OF PUBLIC LAW 182-2009 (ss)

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Public Safety Fund and the Select Centennial Commission Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Select Centennial Commission Fund**, as herein named and for the purposes herein specified, subject to the laws governing the same:

SELECT CENTENNIAL COMMISSION FUND:

Acct. No. 380.00 Events Expenses:		<u>\$ 5,704.00</u>
	Total Series:	\$ 5,704.00
	Total for Fund:	<u>\$ 5,704.00</u>

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** as herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL PUBLIC SAFETY FUND:

Acct. No. 410.00 Gator Vehicle:		<u>\$ 14,000.00</u>
	Total Series:	\$ 14,000.00
	Total for Fund:	<u>\$ 14,000.00</u>

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 23rd Day of November 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23rd Day of November 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Unfinished Business and General Orders:

1. **Enactment No. 2009-56:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 *et seq.*

Councilor Herak introduced and moved the consideration on the same evening of introduction of Enactment No. 2009-56. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered.

Councilor Herak moved the passage and adoption on the same evening of introduction of Enactment No. 2009-56. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT No. 2009-56

AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET FROM MONIES RECEIVED AS A GRANT FROM THE STATE OR FEDERAL GOVERNMENT, PURSUANT TO I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 *ET SEQ.*

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area**, particularly represented on Clerk-Treasurer's receipt numbers 018253, 018839, and 017884, in the total amount of \$ 3,831.23 as reimbursement in support of overtime costs for detailed personnel;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the actual overtime personnel expenses of said municipality related to the G.R.I.T funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Account: #111.30 Sworn Overtime	<u>\$ 3,831.23</u>
Total 100 Series Increases	<u>\$ 3,831.23</u>

Total of All Fund Increases:	\$ 3,831.23
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Section 2. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14th day of September 2009. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 23rd Day of November 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2009-40:** An Order Authorizing the Purchase by Two Year early Pay-off of Three Year Lease to Purchase Agreement for Two (2) Police Cars in the Amount of \$44,271.50 plus interest.

Councilor Kuiper moved the passage and adoption of the Works Board Order No. 2009-40. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**TOWN OF HIGHLAND
Board of Works
Order of the Works Board 2009-40**

An Order Approving and Authorizing the Metropolitan Police Chief to pay the final two rental and interest installments remaining on a Lease-Purchase Agreement with First Midwest Bank for Three (3) 2009 Chevrolet Impala Police Cars with Special Police Equipment Packages, pursuant to IC 5-22 and §31.18(C) of the Municipal Code

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief had identified Christenson Chevrolet, to be a desirable source vendor for the purchase of three (3) Impala Police Cars, each equipped with a special police accessory package at a unit price of \$22,135.75 each and thereby with the \$25,000 to \$75,000 quote solicitation range, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief had further determined that the need to acquire three (3) Impala Police Cars, each equipped with a special police accessory package, would best be achieved by the employing capital lease for purchase, did solicit quotes from four vendors known to deal in the service sought and did then receive the following quotes(s) from the following financial institution(s):

Fifth Third Bank	No response
First Midwest:	36 months at a rate of 5.95%
First Financial Bank	No response
Public Finance.Com	No response

Whereas, The Town Council did authorize the **acquisition of the vehicles by Lease-Purchase, with First Midwest, at a fixed rate of 5.95%, with First Midwest acquiring the vehicles from Christenson Chevrolet**, all by adoption of **Works Board Order No. 2009-04**, on February 9, 2009;

Whereas, Having paid the 2009 rental installment, the Metropolitan Police Chief now requests that he be authorized to pay in a single lump sum the final two remaining installments, originally due in 2010 and 2011, and thereby satisfy and conclude the lease-purchase agreement earlier than its due date; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, requires the approval of the purchasing agency for his department pursuant to §31.18(C) of the Highland Municipal Code, since the requested final payment represents a purchase that is in excess of ten thousand dollars (\$10,000);

Whereas, The payment in a single lump sum the final two installments, originally due in 2010 and 2011 will be supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to pay in a single lump sum the final two installments, originally due in 2010 and 2011, and thereby satisfy and conclude the lease-purchase agreement earlier than its due date,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby acknowledges the payment of the 2009 rental installment has been remitted, and further authorizes and directs the Metropolitan Police Chief to pay in a single lump sum the final two remaining lease-purchase installments, originally due in 2010 and 2011, and thereby satisfy and conclude the lease-purchase agreement earlier than its due date;

Section 2. That the final lump sum payment shall be comprised of the sum of the remaining principal balance of \$44,271.50 *plus the properly calculated interest* and any final acquiring payment of \$1.00 or other agreed upon reasonable final consideration, if required, and shall be paid to First Midwest Bank according to the terms in the lease agreement, *provided there is no prepayment penalty*;

Section 3. That the Metropolitan Police Chief is authorized and directed to carry out the terms of this order and obtain the proper certificates of title for the three police vehicles and then file these documents as well as any added financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9th day of February 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2009-41:** An Order Authorizing and Approving An a Renewal of an Agreement between CBL Consulting, Incorporated and the Town of Highland to perform Professional Information Technology services for the Municipality.

Councilor Novak moved the passage and adoption of the Works Board Order No. 2009-41. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**THE TOWN OF HIGHLAND
BOARD OF WORKS
Order of the Works Board No. 2009-41**

AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN CBL CONSULTING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL INFORMATION TECHNOLOGY SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide information technology support services throughout the Town;

Whereas, The Town has heretofore determined that a need exists to engage professional information technology services associated with support of the several software applications and certain hardware used by the several departments of the Town; and

Whereas, CBL Consulting, Inc, an information technology firm, has consented to provide professional services related to certain support needs related to the information technology of the several departments of the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the letter proposal serving as an agreement (incorporated by reference and made a part of this Order) between CBL Consulting Incorporated, and the Town of Highland, to provide professional information technology support services for the period beginning *1 January 2010 through to 31 December 2011* as described in the letter proposal is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, which include functioning as the Town of Highland information technology director by performing routine and necessary maintenance on equipment identified in the letter proposal, perform data protection services for the town information work product, work associated with the Redevelopment Wireless Network, providing technical consulting, and other related service are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 31.62 of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid as a monthly fee to CBL Consulting, Inc., in the monthly amount of two thousand, seven hundred fifty dollars (\$2,750) dollars;

Section 4. That the executive departments of municipality may use the services according to the terms of the agreement;

Section 5. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of November 2009 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT of the AGREEMENT ON FILE

4. **Works Board Order No. 2009-42:** An Order Authorizing and Approving An Agreement between Wilson Estes Police Architects, PA, of Mission Kansas, and the Town of Highland to perform Professional Architectural Programming and related professional services for the Municipality.

Councilor Herak moved the passage and adoption of the Works Board Order No. 2009-42. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2009-42**

An Order of the Works Board Approving and Authorizing An agreement between Wilson Estes Police Architects, P.A of Mission, Kansas, and the Town of Highland to perform Professional Architectural Programming and related Professional Services.

Whereas, The Town Council, as the Works Board of the municipality, has heretofore acquired real estate located at 3315 and 3309 Ridge Road, Highland and has further considered that a need may exist to construct a public safety facility, to be located on the acquired real estate;

Whereas, Wilson-Estes Police Architects, PA, 5799 Broadmoor, Suite 520, Mission, Kansas 66202 has offered and presented an agreement to provide and **perform a need Assessment and Review for Fire Station, Police and Communications, programming and related professional** services in consideration for fees to be charged and billed hourly, according to the agreement, in an amount not to exceed ten thousand Dollars (\$10,000) plus reasonable expenses; and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the agreement proposed by Wilson Estes to provide and **perform a need Assessment and Review for Fire Station, Police and Communications, programming and related professional** services proposal, (incorporated by reference and made a part of this Order) between Wilson-Estes Police Architects, PA and the Town of Highland, is hereby approved, and adopted in each and every respect, *contingent upon and subject to the approval of sufficient and available appropriations*;

Section 2. That at or around the time of the adoption of this order, a public hearing should be scheduled, pursuant to IC 6-1.1-18, in order to permit the consideration and approval of sufficient and available appropriations, in the **Special Public Safety Fund**, to support the payments under the agreement, pursuant to IC 5-22-17-3(e);

Section 3. That the terms and charges under the agreement in the not to exceed amount of ten thousand, Dollars (\$10,000) certain reasonable expenses set forth in the agreement are found to be reasonable and fair;

Section 4. That the Town of Highland, through its Town Council, believes that Wilson-Estes Police Architects, PA., has demonstrated professional competence and qualifications to perform the particular professional architectural services called for in the Agreement, pursuant to *I.C. 5-16-11.1-5 and Section § 31.64 of the Highland Municipal Code*;

Section 5. That the Town Council President of the Town is authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 23rd day of November 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

AGREEMENT AS EXHIBIT ON FILE

5. **Resolution No. 2009-58:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Police Pension Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of the Resolution No. 2009-58. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION**

RESOLUTION NO. 2009-58

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Police Pension Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Police Pension Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

POLICE PENSION FUND

Reduce Account: #320.02 Travel Expenses	<u>\$20.45</u>
Total 300 Series Reductions	\$20.45
Increase Account: #200.03 Misc. Supplies	<u>\$20.45</u>
Total 200 Series Increases	\$20.45
Total of All Fund Decreases:	\$20.45
Total of All Fund Increases:	\$20.45

DULY RESOLVED and ADOPTED this 23rd Day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Resolution No. 2009-59:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Municipal Cumulative Capital Development Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. *(This resolution is dependent on the favorable action of Works Board Order No. 2009-40)*

Councilor Herak moved the passage and adoption of the Resolution No. 2009-59. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-59

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Municipal Cumulative Capital Development Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Account: #430.12 Police Vehicles	<u>\$44,189.00</u>
Total 400 Series Reductions	\$44,189.00
 Increase Account: #300.02 Police Vehicle Leases	<u>\$44,189.00</u>
Total 300 Series Increases	\$44,189.00
 Total of All Fund Decreases:	\$44,189.00
Total of All Fund Increases:	\$44,189.00

DULY RESOLVED and ADOPTED this 23rd Day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. Instruct the proper officer to publish notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 2009 Budget for the **Special Public Safety Fund**, in the amount of **\$12,000.00**. *Councilor Herak moved to instruct the proper officer as indicated and authorize publication of the legal notice. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The legal publication of the notice and hearing were authorized.*
8. Action to approve senior citizen discount on monthly solid waste user charge, pursuant to Section §170.08 (B) of Chapter 170 of the Highland Municipal Code.
(A) The Clerk-Treasurer presents the request of **Fred Wleklinski** for favorable action to approve senior citizen discount on monthly solid waste user charge.
Councilor Kuiper moved to authorize and approve the discount application of Mr. Fred Wleklinski for the reduced monthly fee for solid waste service. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The request was authorized.
9. **Proposed Ordinance No. 1441:** An Ordinance Authorizing, Accepting and Acknowledging the Contribution of Wal Mart to be used in Support of the "Shop with a Cop Program", then conveying the proceeds of the gift, on deposit to the Municipal Donation Fund to the Highland Fraternal Order of Police Lodge, in support of its role in administering the program and to support the reimbursement of any expenses incurred by participating police officers in the *Shop with a Cop Program*, all Pursuant to IC 36-1-3, and IC 36-5, et Seq.

Councilor Herak introduced and moved the consideration on the same evening of introduction of Ordinance No. 1441. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved the passage and adoption on the same evening of introduction of Ordinance No. 1441. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**Ordinance No. 1441
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE AUTHORIZING, ACCEPTING AND ACKNOWLEDGING THE CONTRIBUTION OF WAL MART TO BE USED IN SUPPORT OF THE "SHOP WITH A COP PROGRAM", THEN CONVEYING THE PROCEEDS OF THE GIFT, ON DEPOSIT TO THE MUNICIPAL DONATION FUND TO THE HIGHLAND FRATERNAL ORDER OF POLICE LODGE, IN SUPPORT OF ITS ROLE IN ADMINISTERING THE PROGRAM AND TO SUPPORT THE REIMBURSEMENT OF ANY EXPENSES INCURRED BY PARTICIPATING POLICE OFFICERS IN THE SHOP WITH A COP PROGRAM, all Pursuant to IC 36-1-3, and IC 36-5,et Seq.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Town Council as the governing body for the municipality, may accept donations of money or other property from the state or federal government or any other source, pursuant to its general powers conferred in IC 36-1-4-10; and

WHEREAS, The Town Council has been advised that Wal-Mart, did make a contribution in the amount of \$1,000 to support the **"Shop with a Cop Program"**, and the participation of police officers of the Highland Metropolitan Police Department; and,

WHEREAS, That in order to access some administrative capacity for the administration and execution of this worthwhile program, the Metropolitan Police Chief, requested that the Highland Lodge of the Fraternal Order of Police carry-out the assignments and administration related to this program; and,

WHEREAS, The Fraternal Order of Police agreed to the request and incurred expenses, properly documented, in the amount of \$1,000 which were fully incurred in support of the Wal-Mart sponsored "Shop with a Cop" program, and now are seeking reimbursement; and

WHEREAS, The Town Council desires to accept the grant from Wal-Mart in support of Shop with a Cop Program, authorize the Metropolitan Police Department's participation in it, and to further authorize the reimbursement to the Fraternal Order of Police, Donald Sheppard Lodge, for the costs incurred in consequence of administering this program; and,

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq.;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section1. That the Highland Town Council as the legislative and fiscal body of the municipality now finds, determines that the contribution presented by Wal-Mart Company in the amount of on thousand dollars (\$1,000) be acknowledged and duly accepted;

Section 2. That the Highland Town Council as the legislative and fiscal body of the municipality now finds, determines that the participation by the Highland Metropolitan Police Department in the Shop with a Cop Program to be of positive public effect, necessary and desirable as well as in the public interest;

Section 3. That the informal agreement with the Highland Fraternal Order of Police, Donald Shepherd Lodge, to assist the participation of the Highland Metropolitan Police Department in the Shop with a Cop Program by providing administrative and organization support to be of positive public effect, and hereby *ratified*, authorized and approved;

Section 4. That the Highland Town Council as the legislative and fiscal body of the municipality now further finds, determines that it is necessary and desirable as well as in the public interest to reimburse or contribute to the Donald Sheppard Memorial Lodge of the Fraternal Order of Police, for its duly incurred expenses in the course of carrying out and support the participation in the "Shop with a Cop" Program;

Section 5. That the Highland Town Council as the legislative and fiscal body of the municipality now directs that the payment contemplated under this ordinance is permitted and authorized to be made

in advance of allowance by the Town Council, provided it is present to the Town Council at the first meeting following its payment for ratification, pursuant to IC 36-5-4-12(b)(13);

Section 6 That the Clerk-Treasurer be authorized and directed to take such steps as necessary to carryout the purposes on this ordinance;

Section 7. That an emergency exists for the immediate taking effect of this Ordinance, so it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 23rd day of November 2009. Consideration on First Reading Sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23rd Day of November 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

10. **Proposed Ordinance No. 1442.1375-K:** AN ORDINANCE to AMEND the ORDINANCE ADOPTED TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA. *This ordinance if adopted would make modifications to two staff positions in the Office of the Clerk-Treasurer.*

Councilor Novak introduced and moved the consideration on the same evening of introduction of Ordinance No. 1442.1375-K. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Novak moved the passage and adoption on the same evening of introduction of Ordinance No. 1442.1375-K. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1442.1375-K
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND the ORDINANCE ADOPTED TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, previously

acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

Provision 1. That subdivision (b) of Section 7 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new subdivision which shall be identified as subdivision (b) of Section 7 which shall read as follows:

Section 7. That subject to the provisions of this ordinance, the salary and wages for the elected officers, non-elected officers and employees of the Town of Highland are hereby fixed for its Office of the Clerk-Treasurer as follows:

(c) (1) Associate Employees and Staff

		Starting Rate	Incumbent Rate	
Associate Clerk, Payroll & Personnel	(1)	\$15.30	\$15.30	hr.
Encumbering Officer	(1)	\$15.30	\$15.30	hr.
Chancery / Bursar Clerk	(1)	\$13.60	\$14.68	hr.
Chancery / Bursar Clerk	(1)	\$13.60	\$13.60	hr.
Chamberlain Clerk	(1)	\$12.30	\$12.30	hr.
Chancery & Bursar Aide (part-time)		\$ 7.25-12.00 hr.	\$7.25-12.00 hr.	
Information Technology Coordinator (part-time)		\$11.00 hr.	\$11.00 hr.	
Deputy Clerk-Treasurer <i>Emeritus</i> (part-time)			Rate is the hourly rate equivalent of the last approved salary including longevity, prior to retirement. (\$21.42 hr.)	

(c) (2) Associate Employees and Staff:

The Clerk-Treasurer is authorized to appoint, select, employ and compensate according to Staff and Wage Plan A, Staff and Wage Plan B or Staff and Wage Plan C. However, the staffing may not exceed two persons and the Clerk-Treasurer may only staff according a particular plan and shall not use the parts of one plan in combination with parts of another plan or plans. The staff and wage plans are as follows:

		Starting Rate	Incumbent Rate
Staff & Wage Plan A			
Lead Utility Clerk	(1)	\$15.30	\$15.30 hr.
Utility Systems Clerk	(1)	\$13.60	\$13.60 hr.
Staff & Wage Plan B			
Utility Systems Clerk	(2)	\$14.45	\$14.45 hr.

(d) Additional provisions.

For any position described in subsections (b) and (c), a duly selected or promoted successor employee may be paid at the new position's pay rate even when the position is still occupied by a departing incumbent employee for the purposes of training by the incumbent employee. The foregoing training pay arrangement may not be for a period of longer than thirty (30) days.

Provision 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Provision 3. (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from Sunday, November 15, 2009 and thereafter upon of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes in this ordinance.

Introduced and Filed on the 23rd day of November 2009. Consideration on same day or at same meeting of

introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 23rd Day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

11. **Proposed Ordinance No. 1443:** An Ordinance to Amend Chapter 31 of the Highland Municipal Code particularly modifying the terms related to Traffic Violations Agency Fund of the Town of Highland, pursuant to IC 36-1-3. *(If adopted, this will permit proceeds from sold seized assets to be deposited and then remitted to the proper court.)*

Councilor Novak introduced and moved the consideration on the same evening of introduction of Ordinance No. 1443. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Novak moved the passage and adoption on the same evening of introduction of Ordinance No. 1443. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1443
of the
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO AMEND CHAPTER 31 OF THE HIGHLAND MUNICIPAL CODE PARTICULARLY
MODIFYING THE TERMS RELATED TO TRAFFIC VIOLATIONS AGENCY FUND OF THE TOWN OF
HIGHLAND, PURSUANT TO IC 36-1-3**

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town of Highland by its Town Council did establish pursuant to its authority under IC 36-1-3 establish a *Traffic Violations Agency Fund*, codified under Chapter 31 of the Highland Municipal Code;

WHEREAS, The Town Council has determined that it would be desirable to amend the Municipal Code in order to modify the purposes and sources of funds for the Traffic Violations Agency Fund; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to modify the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 The Highland Municipal Code is hereby amended by repealing Section 31.01 of the Highland Municipal Code in its entirety and replacing with a as successor section to be numbered 31.01, which shall read as follows:

§ 31.01 **TRAFFIC and LAW VIOLATIONS AGENCY FUND.**

(A) There is hereby established a fiduciary agency fund to be known as the Traffic and Law Violations Agency Fund.

(B) The fund is a fiduciary or agency fund established to account for those fines and fees outlined in I.C. 33-19-5-2 and collected pursuant to I.C. 34-28-5-1 et seq. as payable offenses before a traffic violations clerk, which the unit holds in a trustee capacity, pursuant to the laws of the State of Indiana.

(C) In addition, the fund is a fiduciary or agency fund to account for money derived from seized and forfeited assets or the proceeds from the sale of seized and forfeited assets not otherwise covered by laws of the United States, or its executive departments, or derived from Indiana court orders, entered agreements and or judgments, which are the subject of a criminal investigation from which a seizure and forfeiture is occasioned, pursuant to I.C. 34-4-30.1 et seq. or I.C. 34-4-30.5 et sequitur, not covered by I.C. 36-8-6-4, and is to be held by the municipality in a temporary or custodial capacity;

(D) (1) Funds on deposit to this fund are custodial in nature, so expenditures from this fund shall be pursuant to and in support of the purposes set forth in subdivision (B) and (C) of this section according to Laws of the State of Indiana.

(2) The establishment or the purposes of this fund shall not be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds for the same or similar purposes.

(E) The sources of money for the fund are the following:

- (1) Local payable fines associated with a moving traffic violation as set forth in an ordinance of the municipal corporation;
- (2) Infraction or ordinance violation court costs fees collected pursuant to I.C. 33-19-5-2(a);
- (3) Any additional fees outlined in and collected pursuant to I.C. 33-19-5-2(b);
- (4) Infraction deferral fees collected pursuant to I.C. 33-19-5-2(e) and I.C. 34-28-5-1 et seq.
- (5) Money derived from seized and forfeited assets or the proceeds from the sale of seized and forfeited assets not otherwise covered by laws of the United States, or its executive departments, nor covered by I.C. 36-8-6-4, but which are the subject of a criminal investigation from which a seizure and forfeiture is occasioned, pursuant to I.C. 34-4-30.1 et seq. or I.C. 34-4-30.5 et seq.;
- (6) Money derived from Indiana court orders, entered agreements and or judgments, associated with a criminal investigation from which a seizure and forfeiture is occasioned, pursuant to I.C. 34-4-30.1 et seq. or I.C. 34-4-30.5 et seq.;

(F) Expenditures from the fund shall be made pursuant to the provisions of I.C. 33-19-5-2(c) or pursuant to an order of an Indiana Court, shall be considered appropriated and may be disbursed on approved claims allowed by the Town Council pursuant to I.C. 5-11-10, I.C. 36-5-4 and is hereby described an allowable advance expense according to the terms of I.C. 36-5-4-12(b)(13).

(G) (1) All unused and unencumbered monies do not revert to any fund but the fund created by this subchapter;

(2) The sources of revenue for this fund are hereby determined and shall be construed as being received from the dedicated funds of the state under its laws and as such, the unused and unencumbered balance of an appropriation does not revert at the end of the fiscal year to the fund created by this subchapter, pursuant to I.C. 36-1-8-6(d).

(H) **Nonreverting as to cash.** That all unused and unencumbered monies do not revert to any fund but the fund created by this ordinance. Further, the sources of revenue for this fund are hereby determined and shall be construed as being received from the dedicated funds of the state under its laws and as such, the unused and unencumbered balance of an appropriation does not revert at the end of the fiscal year to the fund created by this ordinance, pursuant to I.C. 36-1-8-6(d).

(I) The Clerk-Treasurer as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry-out the provisions of this section.

Section 2. (A) That the fund styled as the Traffic Violations Agency Fund, in existence prior to and at the time of the adoption of this ordinance, shall continue and remain in effect after its adoption except that it will be renamed the Traffic and Law Violations Agency Fund, and its shall be able to receive additional resources.

(B) That the fund styled as the Traffic Violations Agency Fund, in existence prior to and at the time of the adoption of this ordinance, has continuity of existence. The cash on deposit to the credit of the fund established by Ordinance No. 1051 as well as all its assets and liabilities, held prior to the passage and adoption of

this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found to be an approved source of money for the fund.

Section 3. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 23rd day of November 2009. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

Duly Ordained AND Adopted THIS 23RD DAY OF NOVEMBER 2009 BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, HAVING BEEN PASSED BY A VOTE OF 5 IN FAVOR 0 OPPOSED.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison* • *Plan Commission member* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Select Centennial Commission.*

Councilor Zemen acknowledged the Redevelopment Director who reported a meeting with 20 business owners in the Industrial Park to discuss the concerns and hopes for the eventual development in the area.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Councilor Herak wished all a Happy Thanksgiving and noted that over 600 persons were registered for the annual Pumpkin Plod six-mile running race and three-mile walk. It was further noted that over 200 ranked table tennis players from around the country participated in an event at the Lincoln Center.

Councilor Herak acknowledged the Public Works Director who reported on the progress of the Kennedy Avenue Reconstruction Project and the special inflow and infiltration monitoring progress in the Lakeside subdivision.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison* • *Traffic Safety Commission Member* • *Chamber of Commerce Co-Liaison.*

Councilor Novak commended the VIPS and recognized the Police Chief who reported on a recent lost child report and the child's return.

- **Councilor Konnie Kuiper:** • *Fire Department Liaison* • *Parks and Recreation board, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on the progress of the H1N1 inoculations for over 5,000 students at Wicker Park Social Center. It involved service from Griffith, Munster and Highland.

- **Councilor Dan Vassar:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners.*

The Town Council President inquired of the Public Works Director regarding the disposition of the reconstruction of Idlewild in Brantwood subdivision and whether or not there were any resident feed back regarding the prospect of the project.

The Town Council President also recognized Boy Scout Philip Manning who was present in support of earning one of his scouting badges.

Comments from the Public or Visitors.

1. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired about the growth plans out for 20 years associated with the proposed Public Safety Center, whether or not this applied to population or another metric. He further inquired whether or not the dimensions, which Mr. Volbrecht estimated to be 24,000-26,000 square feet, had been finalized. With leave from the Town Council Mr. Volbrecht engaged in a colloquy with the Metropolitan Police Chief regarding these matters.

Payment of Accounts Payable Vouchers. There being no further public or visitor comment, Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period of November 10, 2009 through November 23, 2009. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion was passed. The accounts payable vouchers were allowed and the Clerk-Treasurer was authorized to make payment.

General Fund, \$175,787.64; Motor Vehicle Highway (MVH) Fund, \$8,753.06; Local Road and Street (LR & S) Fund, \$4,303.752; Law Enforcement Continuing Education Fund, \$958.89; Capital Projects Retainage Agency Fund, \$34,521.63; Information and Communications Technology Fund, \$4,912.84; Solid Waste District Grant Fund, \$456.05; Civil Donation Fund, \$4,540.45; Special Centennial Fund, \$12.08; Police Pension Fund, \$58,252.55; Municipal Cumulative Capital Development Fund, \$37,212.29; Traffic Violations Agency Fund, \$2,709.00; Safe Neighborhood Grant Fund, \$1,964.00; Corporation Capital Fund, \$48,501.71; Total: \$383,885.94.

Adjournment. Councilor Novak moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, November 23, 2009 was adjourned at 7:41 p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, November 23, 2009 at 7:45 in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, Brian Novak and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: Firefighter Don Haynes and William R. Timmer, Jr., CFOD, Fire Chief were also present. They were not in attendance at the same time.

General Substance of Matters Discussed.

1. The Town Council and Don Haynes discussed the Town Council action that recently prohibited personal use of Town assets by employees and its particular effect on the

firefighters. The discussion included a discussion of the recent appeal made by four fighters during the Study Session of November 16, 2009 to reinstate what were termed "station privileges" which were said to include the permission for fire fighters to wash their personal cars in the Fire Station bays.

The Town Council President invited Fire Fighter Haynes to relate the substance of a recent conversation they had during a change encounter at a local grocery store. Firefighter Haynes explained that few firefighters actually partake in the "car wash" station privilege. He noted that when first enrolled as a firefighter, that he and all members are encouraged to make the Fire Stations their "other home." Firefighter Haynes said that station privileges included using the weight room, regularly stopping in to meet up with fellow firefighters, and related activities that fostered entente among the firefighter membership. Firefighter Haynes relayed that he perceived that the membership received the action of the Town Council prohibiting personal use of Town facilities and equipment by employees as "personal."

Firefighter Haynes also noted that many firefighters voluntarily (without pay) perform repairs and other helpful tasks around the fire stations and the equipment. Firefighter Haynes further reported that he believed that the fire membership was unclear what was permissible and what was not in terms of station privileges in light of the recent Town Council Ordinance.

In the course of the discussion, it was noted that it was the Town Council's impression from the presentation at the November 16, 2009 Study Session by the Four firefighters delegations absent a change of policy by the Town Council, services previously provided may be withheld – particularly if the ability to wash personal automobiles was not restored. Firefighter Haynes suggested that the firefighters should be again encouraged to view the Fire Stations as a "second home."

2. The Town Council and Firefighter Haynes discussed the prospect for a possible downgrade in the ISO rating of the Town. The discussion included the import of training and whether or not there is a bias favoring career versus paid on call departments.

Firefighter Don Haynes departed at this time.

3. The Councilor Herak raised and the Town Council discussed whether or not property referred to as "the Rakoczy property" located at 3305 Ridge Road, Highland should be considered for acquisition by the Town.
4. The Fire Chief joined the Town Council. Copies of the ordinance amendment that prohibited employee use of town property for personal purposes were distributed to the Fire Chief and the Town Council members. The discussion included an inquiry posed to the Fire Chief regarding what defined "station privileges".

The Fire Chief explained that "station privileges" were encouraged to allow fire fighters to seek the fire stations as their "second home" in the belief that it promoted readiness in the firefighters.

The Town Council and the Fire Chief discussed the Town Concerns about the presentation at the November 16, 2009 Study Session by the Four firefighters delegations absent a change of policy by the Town Council, services previously provided may be withheld – particularly if the ability to wash personal automobiles was not restored. The discussion also included added concerns about how reportedly the delegation of four spoke disparagingly about the Town Council to the members of the Fire Service and to others.

Further, a concern was expressed about how the Town Council was not fully briefed or informed about these potential effects or reaction and the concept of "station privileges" by the Fire Chief in advance of its action prohibiting personal use of Town property by employees. It was further noted that it was not the Town Council's intention to have this measure affect what they have come to learn were station privileges, the issue of personal care washing notwithstanding.

The Fire Chief departed.

The Town Council discussed the general firefighter reaction to the policy change, the November 16 study session delegation impressions, and the issue of "station privileges."

A consensus emerged that the action to amend the Compensation and Benefits Ordinance to prohibit personal use of public equipment and assets by employees should stand. It was noted that in taking that action, the Town Council did not eliminate what it understood to be "station privileges" for Firefighters. It was still further noted that since the prohibition of employer use of personal property was a provision included in the Compensation and Benefits Ordinance, promulgated generally as the Municipal Employees handbook, and that that ordinance early in its format features language suggesting that its provisions do not apply to the Highland Fire Department unless expressly stated, the general prohibitions related to employees' personal use of public property, may not apply at all. It was still further noted that the Town Council President would relay this information to the Fire Chief, instructing the Fire Chief to report that the station privileges were never the subject of the amendment, were never withdrawn or eliminated and to encourage him to deter the practice of personal car washing by the fire fighters where possible.

There being no further business to consider, the Study Session following the regular business meeting of the Highland Town Council of **Monday, November 23, 2009** was adjourned at 9:39 p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer